

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Patrick Booker,)	Case No. 3:23-cv-06187-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Jean Toal, Costa Pleicones, Donald)	
Beatty, John Kittredge, Kaye Hearn,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff's pro se complaint. ECF Nos. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation ("Report"). On February 1, 2024, the Magistrate Judge issued a Report recommending that this action be dismissed without prejudice and without further leave to amend. ECF No. 5. Plaintiff filed objections and amended objections to the Report. ECF Nos. 8, 10.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or

recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As an initial matter, the Magistrate Judge has provided a thorough recitation of the relevant facts and applicable law, which the Court incorporates by reference.¹ In his objections and amended objections, Plaintiff objects to the Magistrate Judge's Report and argues that the justice system is broken, that Defendants conspired against him, that they committed a felony in doing so, that Defendants are not entitled to absolute judicial immunity because they acted without jurisdiction, and that the Magistrate Judge did not properly defer to his verified complaint.

Upon *de novo* review, the Court finds that Plaintiff's complaint is subject to summary dismissal. To the extent Plaintiff alleges any violations of the criminal code, the Court does not prosecute criminal cases. See, e.g., *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (finding that a private citizen does not have a judicially cognizable interest

¹ The Court notes that in his objections and amended objections, Plaintiff argues that the Magistrate Judge erred in her recitation of the facts by omitting that Defendants were acting “without any jurisdiction for want of due process.” The Court notes this additional language and finds it does not alter the outcome in this case. Plaintiff also objects to the Magistrate Judge's standard of review; upon *de novo* review, the Court finds the Magistrate Judge properly stated the relevant law.

in the prosecution or non-prosecution of another person). With respect to Plaintiff's remaining claims, Defendants are entitled to absolute judicial immunity for their judicial actions in judicial proceedings. See *Mireless v. Waco*, 502 U.S. 9, 11–12 (1991); *Chu v. Griffith*, 771 F.2d 79, 81 (4th Cir. 1985). Plaintiff vaguely contends that Defendants were acting outside the scope of their judicial obligations; however, such allegations are insufficient to avoid summary dismissal.

Upon de novo review of the Report, the record, and the applicable law, the Court agrees with recommendation of the Magistrate Judge. The Court further agrees that Plaintiff cannot cure the deficiencies in the complaint by amendment. Accordingly, this action is **DISMISSED** without prejudice, without issuance and service of process, and without leave to amend.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 15, 2024
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.